

28 April 1980

OGC Has Reviewed

MEMORANDUM FOR: All CRD Personnel

FROM :

Chief, Classification Review Division

SUBJECT : Manuscript Review

1. CRD recently reviewed a particularly troublesome manuscript submitted by a former employee. Several days of meetings ensued, during which the recommendations made concerning the manuscript by the Agency components involved were examined in exhaustive detail, reconciled where feasible, and in many instances abandoned. Representatives of the OGC (which had requested this decidedly unusual procedure), the DO, and the Agency Publications Review Board (PRB) participated in these sessions, as did the CRD reviewer (on behalf of the DA).

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2. This case was complicated by a lawsuit which the manuscript's author had previously filed to enjoin the Agency from "censoring" his book. Only after the Supreme Court decided the Snepp case in the Agency's favor did this author submit his own manuscript for review--preparing at the same time to present legal challenges to any and all deletions or revisions the Agency might demand. Hence OGC's participation in this particular review exercise.

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3. OGC takes the position that revision of manuscripts submitted for review should be confined to material which is demonstrably classified or classifiable under Executive Order 12065 and/or such legislation as the Atomic Energy Act of 1954. The National Security Act of 1947 and the CIA Act of 1949 exempt the Agency from making certain disclosures but, according to OGC, these exemptions are not applicable to information from former Agency employees. The categories of information defined in the two Acts were, in general terms, "grandfathered" into E.O. 12065 under Section 1-301(c) -- "intelligence activities, sources or methods" -- and are covered in considerable detail under the corresponding portion (paragraph 9c) of our own specific classification criteria (See HHB Agency Information Security Program Handbook).

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4. However, such criteria do not in themselves validate the classification of information. We must also determine whether there exists a reasonable expectation of "at least identifiable damage to the national security" (i.e., per E.O. 12065, to the "defense and foreign relations of the United States") if the information is disclosed. No identifiable damage, no classification or classifiability. The Order (Section 1-303) and Handbook (paragraph 5c) make a presumption of such damage as regards disclosure of "foreign government information" (which includes liaison information and is further defined in HHB paragraph 9b) or of "the identity of a confidential foreign source" (interpretable as including, for example, a liaison service but usually meaning an individual, "warm body" source of HUMINT).

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25X1 5. According to OGC, the above presumptions can be invalidated by a showing that the information at issue is already in the public domain or even, perhaps, that the foreign government or other "confidential source" will not be affected by its disclosure. Here the "burden of proof" would seem to be on the author to make the case against any "identifiable damage", but once litigation has begun almost anything can happen. ☐

25X1 6. In the Marchetti case of some years back, the Agency was upheld by the trial court and Marchetti's book was published with blank spaces representing the deletions CIA had demanded. Marchetti appealed, however, and the appeals tribunal restored a number of the originally deleted items -- whereupon Marchetti published a new edition with those items printed in bold-face type. They were thus called emphatically to the reader's attention, making the situation worse from the Agency's standpoint than if those items had not been deleted in the first place. ☐

7. When a manuscript becomes an actual (or even potential) matter for litigation, authors can and will wrangle over every paragraph and sentence, even over individual words and phrases. It does the Agency little good, and indeed some harm in terms of wasted time and effort, to mark whole chapters and pages for deletion as did some of the reviewers (not CRD's) who processed the manuscript cited in the first paragraph above. Only rarely can the deletion of an entire paragraph be justified in terms of proving to a court of law that all of that paragraph's content is classifiable. Similarly, general statements about the classified nature of material in a manuscript are useful only to the extent that they may tell some other reviewing unit what to look for. That unit must then make the actual deletions (or other recommendations for removal of classified material) which the PRB can present to the author. ☐ 25X1

25X1A 8. As noted in HR ☐ (see attachment to this memo), the PRB has only 30 days from the date a manuscript comes in to return it to its author with all required revisions indicated. It is best, therefore, for the initial manuscript reviewers to do as complete a job as possible. CRD has the responsibility to review "for the DA with the exception of the Office of Security" and is thus (with this one exception) the final as well as the initial reviewing component for the DA. Parenthetically, the DO works differently. A manuscript may be sent to several Area Divisions, Staffs, etc. before DO/IMS conducts the final DO review based on the recommendations of other units. Of course, in our review we can and do call to the attention of other Agency components material which appears to be of interest to them. ☐ 25X1

25X1A 9. Unlike CRD's basic systematic review function, manuscript review is essentially a sanitization procedure which somewhat resembles our routine processing of Foreign Relations of the United States (FRUS) submissions from the State Department and the occasional Freedom of Information Act (FOIA) cases assigned to us. It differs from these, however, in that what appears in an employee's or ex-employee's unofficially published work does not constitute an official Agency disclosure. Agency approval for publication in no way endorses or validates the published material. (See paragraph 2b(9) of HR ☐ although authors are not, of course, required to use the disclaimer which this provision of the regulation "encourages.") ☐ 25X1

10. Accounts of positive intelligence, CI or CA operations as well as of other Agency activities in which employees or former employees were involved, or learned about during their Agency careers, frequently do contain classified or classifiable information even when the authors make some effort on their own to disguise or obfuscate the true facts. Even when manuscripts are billed as fiction the authors often fail, in our judgment, to conceal actual circumstances adequately. This can lead to identification of real intelligence sources and methods, or expose sensitive liaison relationships. It was [redacted] disclosures in his book [redacted] (which was presented as fact) that led to HR [redacted] and the establishment of the present manuscript review procedures. The review of [redacted] under the system formerly in effect failed to provide for adequate sanitization. [redacted]

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11. Most ostensibly fictional works presented for review are cast in the traditional "spy story" mold pioneered by such authors as E. Phillips Oppenheim, Somerset Maugham (who once served as a British intelligence officer), Graham Greene, and numerous more recent exponents of the genre like [redacted] and even [redacted]. The degree to which Agency authors, whether present or former employees, preserve security by disguising actual people, places, and events in their stories obviously varies widely. In dealing with fictional works the reviewer must try to assess the extent to which the author's actual experience may be mirrored in the stories he tells. The reviewer must assume that authors will be identified in the book's jacket blurb or otherwise as "CIA operatives" or the like. Some details of their careers may also be published. Any such identification will clearly enhance an author's credibility and make the work seem authentic if not official and authoritative, requiring closer screening by us. If necessary, the reviewer can obtain information about the author's career in the Agency. [redacted]

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12. Non-fiction about the Agency by former employees is normally published with mention of the author's CIA connection. Most manuscripts in this category are biographical -- usually autobiographical. Authors are discussing their own careers and grinding their own particular axes (some authors of fiction do this also, to be sure). Again it would prove useful to reviewers of non-fiction to be aware not only of the basic facts about the authors' careers but also, in the case of former employees, of their cover situation on leaving the Agency and what they were permitted to put in the unclassified job resumes and other material prepared for each departing employee. Review actions filtered through such basic information should be more realistic and supportable, thus providing a more professional review position. [redacted]

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13. It clearly makes no sense to demand the deletion from manuscripts of information the authors have been allowed to disclose, or which has been disclosed on their behalf by the Agency itself (e.g., by the retirement elements of the Office of Personnel). Certain proposed revisions to the manuscript discussed in paragraph 1 above were prevented by such disclosures in that author's particular case. The nature of some of the work this author did overseas, moreover, had been disclosed by an earlier author who was also a former Agency employee. The fact that these data were already in the public domain prevented other proposed deletions from the subject manuscript. [redacted]

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14. In the interests of saving time and effort, giving the PRB the best possible DA reviews of manuscripts, and thus generally ensuring maintenance of the same high standards in this area of our assigned responsibilities as in others, CRD's manuscript reviewers should:

a. Read through each manuscript at least once before marking anything in it for revision, to see what the author is about and to avoid messing up the manuscript only to find that a seemingly necessary deletion on page 27 is invalidated by material on page 532 (or even in an appendix, etc.). It is, of course, desirable to paperclip pages containing any apparently classified or classifiable items spotted during this initial reading, or to take separate notes thereon during the process.

b. Go through the manuscript again and mark on it the items which meet classification criteria (paragraphs 4-6 above). This will not normally involve whole pages or even paragraphs (though there will be occasional exceptions to this general principle). Rather, only those sentences, phrases or words which constitute the actual basis for classification should be marked. If -- as will often happen -- this results in portions of the manuscript looking like the proverbial "Swiss cheese," so be it. It is up to the author to determine whether to "edit around" Agency-required deletions or to publish a text full of holes, a la Marchetti. (NOTE: It is best to mark such items with a "yellow highlighter" which will not reproduce on copying machines. Errors made during the marking process can then easily be corrected: simply copy the relevant pages, make the corrections and substitute correct for incorrect pages. Manuscripts so marked look much "cleaner" than is the case when bracketing or underlining is used. To make bulky manuscripts or those requiring a great deal of marking-up easier to handle, they may be put into loose-leaf binders while being reviewed. Although this may involve a little extra work to punch the pages (they are sometimes already punched), it facilitates page-flipping and avoids making CRD look sloppy -- as we sometimes do when what goes back to PRB (or even to the author) is tattered or dog-eared. It is also useful to number the lines of text on manuscript pages marked for two or more revisions, which can then be easily identified when the review results are written up.)

c. Read the manuscript once more, for quality control. Make sure there is a valid classification basis for each deletion or other revision indicated. Such rechecking will also often pick up items missed earlier, or show that some previously marked revisions are actually unnecessary or should be amended.

d. Finally, write up the review results. Each deletion should be specifically identified. When several fall within a clearly definable and classifiable area (e.g., "information which could identify a covert agent" or the like), they may all be grouped under a statement to that effect. Do not, however, use such overly broad statements as "intelligence sources/methods/activities" without specifying how the item selected for deletion relates substantively to the E.O. 12065 classification category. Most of the items we mark for deletion will be selected on the basis of intelligence sources, methods and activities for one reason or another; merely to "parrot" the classification category will convey no useful information to the PRB. It

should also be kept in mind that one type of classifiable data often found in manuscripts -- liaison relationships and activities -- fits better under the "foreign government information" provision of E.O. 12065 (Section 1-301b) than under the "...sources, methods..." provision (1-301c). The latter is sometimes over-used to cover anything and everything, when one of the others could more fittingly be cited in many instances. The "identifiable damage" criterion applies to all classification categories -- see paragraph 4 above. No deletion should be identified unless the reviewer can "reasonably expect" identifiable damage to occur if the manuscript is published with the original text unchanged. ☐

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15. When reviewing manuscripts written by former Agency employees:

Release: Mention of the existence of Agency Stations in countries where the author was assigned PCS under official or no cover. When personnel who served overseas under official cover are separated from the Agency in overt status, "opened up" as the phrase goes, it is clearly impractical to try to conceal the fact that they worked at Agency Stations during periods when they were on official tours of duty abroad. It is, of course, essential to ascertain whether the author's career was "opened up" upon separation from the Agency.

Delete: The identity of Stations where the author served only TDY or at which he served in alias or under non-official cover. Also delete information which identifies other Agency personnel serving at any Station, together with details of specific operations or other activities at any Station and data on any Station functions, organization, numbers of personnel, facilities, methods of operating, etc.

Release: The mention of Headquarters organizational units at or above the Office level (Division level, in the DO) and also below that level when generic designations are used (e.g., which does not accurately name an actual component so designated but merely refers to a unit function).

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Delete: An actual Agency designation such as , or (with a capital "O"), etc.

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Release: The names of other present or former Agency personnel who have authored previous publications and whose Agency connections were thereby disclosed. (NOTE: PRB is preparing a machine-records listing of such authors, the titles of their manuscript submissions and publications, and other data to serve as a "reference shelf" for future use by manuscript reviewers.)

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16. Many if not most of the above "do's and don'ts," along with a number of others, are already familiar in general terms to CRD reviewers. They are included primarily because they concern issues which arose during the final review sessions on the manuscript cited in paragraph 1, and may help to sharpen other reviewer's perceptions as they did those of the CRDer who took part in that review. ☐

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Attachment: Package under routing sheet entitled "Procedures for Submission of Manuscripts to the Publications Review Board (PRB)," enclosing memorandum (same title) from Executive Secretary of the PRB," HR ☐ (cited above -- emphasis supplied) and Tabs A, B and C (explained in PRB/Exec's memo.) 25X1A

6 November 1979

MEMORANDUM FOR: See Distribution

THROUGH: Herbert E. Hetu
Chairman, Publications Review Board

STATINTL FROM:
Executive Secretary, Publications
Review Board

SUBJECT: Procedures for Submission of Manuscripts to
the Publications Review Board (PRB)

STATINTL REFERENCE: HR 27 September 1979, Nonofficial Publications
and Oral Presentations by Employees and Former
Employees (copy attached)

1. This memorandum is intended to address the many questions directed to this office regarding submission of manuscripts to the PRB, as well as to standardize submissions. Please give it widest possible distribution.

a. In addition to the Chairman, six PRB members represent the components of the Agency; therefore, authors are requested to submit seven double-spaced copies of each manuscript in order to enhance the prospects of timely review.

b. The PRB will act as expeditiously as possible in all cases; however, authors concerned with production schedules should plan to allow 30 days for PRB review from the time manuscripts are received by the PRB Secretariat.

c. The submission process will be greatly facilitated if each copy of a manuscript is accompanied by the requester's covering memo containing the information and in the format shown in the sample at TAB A.

d. In addition to copies of the requester's memo and the manuscripts, the original of the component approval memorandum should accompany the submission as shown in the sample at TAB B. As you will see, the office director has the option of either recommending approval for publication--in which case under HR the Component Deputy Director must also indicate approval--or of recommending that the manuscript go to the PRB for formal review, in which case consideration by the Component Deputy Director is obviated.

STATINTL

e. The entire package should be covered by a pink Routing and Record Sheet (form 610) in the format shown at TAB C. Please do not submit any additional internal coordination.

f. Following review by the PRB, copies of the requester's letter and the component's approval memorandum will be returned to the component. The original will be retained in the Office of Public Affairs PRB files.

g. If a disclaimer is indicated, this office will provide appropriate language to the author.

h. If publication is denied, this office will provide instructions indicating the author's right to appeal.

i. For your information, all manuscripts are handled as if they contained classified information.

2. We appreciate your attention to these administrative details. PRB activity has increased significantly in recent months; your cooperation will greatly increase the service the PRB can provide. If you have any questions, please feel free to call me or [redacted] telephone [redacted]

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Attachments: a/s

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Distribution:

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S A M P L E

TAB A
(Requester's Covering
Memo; Original and 6;
Attach to Copies of
Manuscript)

MEMORANDUM FOR: Chairman, Publications Review Board

THROUGH: Office Director
Component Deputy Director

FROM: Author's Name
Title and Office

SUBJECT: Request to Submit Article for Publication

1. I request permission to submit for publication the attached article titled, _____.
2. When approved, I intend to submit the article for publication in _____.
3. None of the material presented in the article is, to my knowledge, classified.
4. I am not under cover. I will be identified as an Agency employee but will append the standard disclaimer indicating that the views expressed are my own and not necessarily those of the Agency.

Author's Signature

Attachment: Article for Publication

SAMPLE

TAB B

SUBJECT: Request to Submit Article for Publication

AUTHOR'S NAME:

TITLE OF PUBLICATION:

I have reviewed the attached article, to the best of my knowledge have found it to be unclassified, and approve it for publication.

Office Director _____ Date _____

Component Deputy Director _____ Date _____
or Head of Independent Office **

OR

SUBJECT: Request to Submit Article for Publication

AUTHOR'S NAME:

TITLE OF PUBLICATION:

I recommend that the attached article be reviewed by the Publications Review Board.

Office Director _____ Date _____

APPROVED:

Chairman, Publications Review Board _____

_____ Date _____

STATINTL

**NOTE: Only a Component Deputy Director or Head of Independent Office (or designee) may approve for publication short of PRB review see HR ☐ paragraph 2.c.(1)

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